

UNITED STATES DISTRICT COURT

for the
District of GuamDEC 16 2019 JEANNE G. QUINATA
CLERK OF COURT

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)
 One (1) U.S. Priority Mail Package Bearing the Printed
 Address of Richard A. Gapasin Jr., PO Box 24442,
 Barrigada, Guam 96921 (See Attachment A)

Case No.

MJ-19-00089

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
 One (1) U.S. Priority Mail Package bearing the printed address of Richard A. Gapasin Jr., PO Box 24442, Barrigada, Guam 96921. Property is further described in Attachment A.

located in the _____ District of _____ Guam _____, there is now concealed (identify the person or describe the property to be seized):

Controlled substance held in violation of 21 U.S.C. Sections 841(a)(1), 843(b) & 846. Items of personal property which tend to identify the person(s) in possession, control, or ownership of the package that is subject to this warrant.
 Proceeds from the sale of controlled substances.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21U.S.C. Sections 841(a)(1), 843(b) & 846	Distribution of Methamphetamine

The application is based on these facts:

- Continued on the attached sheet.
- Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

CONNIE R. WORREL, U.S. Postal Inspector, USPS

Printed name and title

slg

Sworn to before me and signed in my presence.

Date: 12/16/19City and state: Hagatna, Guam


Judge's signature

JOAQUIN V.E. MANIBUSAN, JR., U.S. Magistrate Judge

Printed name and title

ORIGINAL

AFFIDAVIT

I, Connie R. Worrel, being duly sworn, depose and say as follows:

A. Background of Affiant

1. I am a federal agent employed with the United States Postal Inspection Service, currently assigned to the District of Guam, with twenty years of law enforcement experience, duly appointed according to law and acting as such. Part of my responsibilities is the investigation of controlled substances transported through the U.S. Postal Service, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 846 (the Drug Abuse Prevention and Control Act). I have experience investigating violations of illegal narcotics and have received training relative to criminal investigations and narcotics trafficking from the U.S. Postal Inspection Service.

2. I have participated in controlled deliveries of contraband and the execution of search warrants with respect to narcotics and scheduled controlled substances as well as investigations into narcotics trafficking organizations shipping contraband to and from California, Nevada, Arizona, Texas, Oregon, and Washington. I have received formal, informal and on the job training from U.S. Postal Inspectors, Assistant United States Attorneys, the Drug Enforcement Administration, and other law enforcement agents who have done extensive work regarding the investigations into the sales, distribution, and manufacture of controlled substances, specifically methamphetamine, as well as involving the proceeds from the sales of controlled substances.

3. All of the facts and information set forth in this affidavit were obtained through official law enforcement communications.

4. I know from my training, knowledge, and experience that the importers and distributors of controlled substances often utilize the U.S. Postal Service to facilitate the

distribution of controlled substances. Such mail will come from foreign or domestic places of origin and will be typically sent by either Express Mail, Priority Express Mail, Priority Mail, Parcel Select, or First-Class Mail with or without a USPS tracking number.

5. I know from my personal experience and participation in the investigations of controlled substances sent via the mail, that witnesses, cooperating individuals, and informants have discussed and explained to law enforcement why the U.S. Mail system is used to facilitate the delivery of such controlled substances. I have also read official reports from other law enforcement officers detailing similar events.

6. The information contained within this affidavit is based upon my personal observations, training, and on information related to me by other law enforcement officers and investigators as set forth more fully herein. Because the purpose of this affidavit is to set forth probable cause, your affiant has not set forth each and every fact known to me in connection with this investigation.

7. Based on my training, experience, and consultations with other law enforcement officers experienced in drug investigations, I know that certain indicators exist when persons are using the U.S. Mail system to send prohibited controlled substances from one location to another. Indicators for packages that contain controlled substances and/or the proceeds from controlled substances include, but are not limited to the following:

a. It is common for senders of controlled substances, and/or the proceeds from the sales of these, to use Express, Priority, Parcel Select and First Class Mail because the substances or proceeds arrive faster and on a predictable date, thereby allowing the senders to keep track of the shipment or proceeds of controlled substances.

b. When senders mail controlled substances from a particular area/state, the proceeds from the sale of these controlled substances may be returned to the sender. There are known source states for controlled substances mailed to Guam, (e.g., Hawaii, California, Arizona, Oregon, Nevada, Texas, and Washington), where controlled substances are typically mailed from. Other major metropolitan areas have also shown to be source states on rare occasions for different substances.

c. A sender may sometimes mail the package containing controlled substances from an area different from the return address on the package because either: 1) the return address is fictitious or associated to a vacant lot or house; and/or 2) the sender is attempting to conceal the actual location that the package was being mailed from in order to avoid detection. Additionally, there are usually misspellings and mistakes on the label indicative of someone filling out the address label who is not a resident of the return address (i.e. a “runner” or fictitious address).

d. Express Mail packages containing narcotics usually contain a “Signature Waiver,” which allows the package to be left at a location without requiring anyone to sign for the package. Person to person Express Mail packages rarely contain a signature waiver because this level of service is usually reserved for very important items that the sender would want to ensure someone was present for at time of delivery.

e. I know from my training, experience, and discussions with other law enforcement officers that the following controlled substances are likely to be found during package interdiction operations: marijuana, methamphetamines, cocaine, LSD, psilocybin mushrooms, heroin, opium, MDMA, and the proceeds from the sales of these controlled substances.

f. These packages in many instances contain a fictitious return address; no return address; an actual address associated to a vacant lot or house; or the return address that is the same as the addressee's address. These packages are also sometimes addressed to or from a Commercial Mail Receiving Agency (i.e. UPS Store and Mailboxes Etc). This is done in order to conceal from law enforcement the identity of the person(s) shipping and/or receiving the controlled substances.

g. I know from training, experience, and discussions with other law enforcement officers that these packages sometimes contain information and paperwork related to the sales and distribution of controlled substances. This paperwork can include, but is not limited to, information on the use and effects of the various controlled substances; the price for the controlled substance; the quality of the controlled substances; information on the actual sender; and information and instructions for ordering future controlled substances. These packages also sometimes contain smaller packages that are pre-addressed for mailing to secondary addresses after they have met their initial destination. This affidavit is not meant to set forth all investigative knowledge of this case, but only those facts necessary to establish Probable Cause.

B. Purpose of Affidavit

8. This affidavit is submitted in support of a request for a search warrant to search a U.S. Priority Mail package addressed as follows: (See Attachment A).

FROM:	TO:
DANNY BARCINES	RICHARD A. GAPASIN JR.
3111 BAYER ST	PO BOX 24442
MARINA CA 93933	BARRIGADA GUAM 96921

The affidavit in support of a search warrant for this package (hereinafter referred to as the GAPASIN package), is requested to search for the following items believed to be contained in the GAPASIN package:

- a. Controlled substances held in violation of 21 U.S.C. §§ 841(a)(1), 843(b), and 846.
- b. Items of personal property which tend to identify the person(s) in possession, control, or ownership of the package that is the subject of the search warrant.
- c. Proceeds from the sale of controlled substances held in violation of 21 U.S.C. §§ 841(a)(1), 843(b), and 846.

C. Relevant Facts Pertaining to the GAPASIN Package

9. On or about December 15, 2019, the above-referenced GAPASIN package was received by the U.S. Postal Service in Barrigada, and, on the same date, drew the attention of this affiant as containing narcotics. First, this package was sent from a “Source State” (Paragraph 7.b). Secondly, the package was sent Priority Mail (Paragraph 7.a).

10. On or about December 15, 2019, the GAPASIN package was presented for external examination to drug detection canine controlled by Guam Customs and Quarantine Agency (GCQA) Drug Detection Dog Unit (DDDU). K9 handler Officer Jeremy Artero informed me that his assigned Drug Detection (DD) dog “Biker,” did alert to the presence of narcotics. Furthermore, this DD dog is trained to detect controlled substances. DD dog “Biker” was purchased at the American K9 Training Center, at the address of 690 Meta Lane, New Smyrna Beach, Florida 32168, and completed the American K9 Training Academy’s Basic Canine Narcotic Detection Course in October 2015 at the same address. DD dog “Biker” is capable of detecting Heroin, Marijuana, Hashish, Hashish Oil, Cocaine, Methamphetamine and Ecstasy.

DD dog "Biker" is trained systematically on known samples of controlled substances. DD dog "Biker" is also trained systematically on various methods of concealment which is inclusive of but not limited to concealment in letters, parcels, wooden crates, metal containers, cement objects, styrofoam coolers, plastic coolers, match boxes, cassette players, lockers, suitcases, various types of luggage and baggage, vehicles, furniture, and numerous other concealment methods imaginable. DD dog "Biker's" positive alerts are at approximately 96%.

11. The GAPASIN package is further described as bearing tracking number 9505 5161 9241 9345 2534 74 with \$19.95 in U.S. Postage, and weighing approximately 7 pounds and 7 ounces.

12. Because this is an ongoing investigation, it is requested that this search warrant application and the accompanying affidavit, attachment, and exhibit be sealed until further order by the Court. It is also requested that the notice requirement be waived for a period not to exceed thirty (30) days, with leave to apply for an extension before the expiration of the time requested or actually granted by order of the Court. This is in order to better identify both the sender and recipient without jeopardizing an ongoing investigation.

WHEREFORE, based upon the information contained herein, there is probable cause to believe the GAPASIN package described in paragraph 8 are evidence and instrumentalities of criminal offenses against the United States, to wit: violations of 21 U.S.C. §§ 841(a)(1), 843(b), and 846, in paragraphs 7 a-g.

FURTHER AFFIANT SAYETH NAUGHT.



Connie R. Worrel
U.S. Postal Inspector
United States Postal Inspection Service

ATTACHMENT A

One (1) U.S. Priority Mail package is further described as a package bearing tracking number 9505 5161 9241 9345 2534 74 with \$19.95 in US Postage, and addressed as follow:

FROM: DANNY BARCINES
3111 BAYER ST
MARINA CA 93933

TO: RICHARD A. GAPASIN JR.
PO BOX 24442
BARRIGADA GUAM 96921

The GAPASIN package weighs approximately 7 pound and 7 ounces , and measures approximately 12" X 12" X 5.5"

